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THE HONOURABLE MR. JUSTICE K.C.BHANU

WRIT PETITION NO.290 OF 2005

DATED:23rd September, 2005

Between:

Mithinti Ramachandrarao

..... PETITIONER

AND

1. Station House Officer, Sub-Inspector of Police

Dwaraka Tirumala P.S., Dwaraka Tirumala Mandal,

West Godavari District and 2 others.

.....RESPONDENTS

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THE HONOURABLE MR. JUSTICE K.C.BHANU

WRIT PETITION NO.290 OF 2005

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ORDER:

This writ petition is filed to declare the action of the first respondent in registering the false report of the third respondent as FIR in Crime No.125 of 2004, contrary to the orders of the ad-interim injunction dated 29-10-2004 granted by the Principal Junior Civil Judge, Eluru, in I.A.No.3342 of 2004 in O.S.No.1182 of 2004, as illegal and arbitrary.

There cannot be any dispute that it is a statutory duty of the police to conduct investigation if a cognizable offence is made. The police examined five witnesses and recorded their statements and after completion of investigation they also filed a charge sheet before the II Additional Judicial Magistrate of First Class, Eluru, on 30-11-2004 and the same was numbered as C.C.No.30 of 2005. The remedy of the petitioner is otherwise. No further orders are required to be passed in this writ petition.

In view of the completion of the investigation, this writ petition is dismissed leaving open all the remedies that are available under law to the petitioner. No costs.

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23rd September, 2005

SKM